

Politics and International Environmental Law in Global Perspective

Diah Apriani Atika Sari ^{a✉}, Marsudi Triatmodjo^a, Harry Purwanto^a

^a Faculty of Law, Gadjah Mada University, Indonesia

✉Corresponding email: diahapriani2020@mail.ugm.ac.id

Abstract

Global environmental politics refers to the ways in which politics is practiced in various places to change or protect the environment. This means that global environmental issues and related political activities can occur at local, national, transnational, regional, or international levels, depending on the location, scale, or environmental issues being addressed. This research is normative, by a conceptual approach derived from several approaches of international legal and political theory. Environmental politics also transforms state practices in understanding state sovereignty and the international system. State sovereignty is often cited as a reason that limits the development of a country's environmental policies. Globalization creates a debate between sovereignty and the influence of national interests in policy-making. Political authority is expressed as sovereignty, making it very challenging to reach agreements on global environmental issues when they conflict with national interests.



Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. (CC BY-SA 4.0). All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

Nevertheless, global politics offers opportunities for international cooperation in addressing global environmental problems.

KEYWORDS *Politics, International Environmental Law*

I. Introduction

Politics and law are perceived as separate spheres in international relations, each with the respective rationalities and consequences.¹ Both spheres develop autonomously influenced by the unique characteristics possessed. Legal philosophers have aimed to separate law from politics, fearing that political intrusion will undermine the distinctive character of law as an impartial rule system.²

Based on Reus-Smith's perspective, the separation of political science disciplines in international relations and law as legal norms of the global community should not have occurred. This is because a constructivist approach can bridge the separation created.³ Constructivists argue that international politics is fundamentally influenced by social activity similar to all other diplomacy. The advocates perceive international law as a "broad social phenomenon incorporated in the practices, beliefs, and traditions of society as well as influenced by the interactions of the global community".⁴ Therefore, the relationship between law and politics is mutually constitutive and deeply enmeshed.⁵

The reciprocal relationship between politics and law is unavoidable in international relations, particularly when addressing contemporary

¹ Christian Reus-Smit, *The Politics of International Law* (eds.), (Cambridge: Cambridge University Press, 2004), p. 1

² *Ibid*

³ *Ibid*

⁴ Martha Finnemore and Stephen J. Toope in Christian Reus-Smith (2004)

⁵ Roby Eckersley, "Soft Law, Hard Politics, and the Climate Change Treaty", in Christian Reus-Smit (eds), 2004. *The Politics of International Law*, Cambridge: Cambridge University Press, pp. 80-81

global challenges including the environmental issue. The current environment is experiencing severe degradation, such as severe water and air pollution in various developing states, the threat of acid rain to ecosystems and agriculture, overfishing in numerous oceans and seas, damage to coral reefs, as well as the extinction threat of wildlife worldwide. Environmental issues have evolved as a global agenda in the 21st century, often connected with central world challenges alongside the classic agenda of international politics, such as security and economic matters.⁶

According to Baldwin (1993),⁷ two major theories in global environmental politics namely, realism and rationalism/neoliberalism are distinguished by six points. *First*, concerning the nature and consequences of environmental politics, realism emphasizes the need for states to consider human survival capabilities to avoid anarchic conditions. However, neoliberalism suggests that threats to survival are not acute enough for states to allow policy-making dominance. *Second*, regarding the potential for international cooperation, realists argue that cooperation in the environmental field is challenging due to the dependence on national power. This perspective differs from neoliberals who believe that states can more easily cooperate on addressing global environmental issues. *Third*, realists and neoliberals differ on "relative-absolute gains", with realists prioritizing gains obtained from other states and neoliberals focusing on absolute gains. *Fourth*, realists are inclined to focus only on national security while the neoliberals consider political and economic issues. *Fifth*, realists suggest that the important role in determining outcomes is the distribution of the states' power, resources, and capabilities. Conversely, neoliberals believe that the state policymakers'

⁶ Budi Winarno, *Dinamika Isu-Isu Global Kontemporer*, (Yogyakarta: Center of Academic Publishing Service, 2014) p. 139

⁷Baldwin, "Neoliberalism, Neorealism, and World Politics" in Matthew Paterson, *Understanding Global Environmental Politics: Domination, Accumulation, Resistance*, (Great Britain: Macmillan Press Ltd, 2000), p. 18

intention determines the outcomes. *Finally*, different perspectives on global institutions and regimes influence the outcomes in international politics. Realists argue that international institutions are an epiphenomenon reflecting the underlying power politics, while neoliberals believe that organizations play an important role in influencing patterns of cooperation and managing global conflicts.

Environmental issues have gained prominence on the international political agenda since the 1960s. The rise in public awareness of the global environment originated due to phenomena indicating environmental degradation, such as the discovery of the Ozone Hole in Antarctica in 1985. The global nature of environmental issues signifies that actions taken by individual states alone are insufficient, as significant international cooperation is required to be proficient. Discourses on sovereignty, compliance, and effectiveness in international environmental law are essential parts of the political process. Furthermore, negotiations and the establishment of legal norms by the global community lead to arguments as well as differences in approaches to addressing environmental issues. This research aimed to analyze the influence of international politics on the global environment through legal instruments using a normative methodology with legislative and conceptual approaches.

This research is a normative legal study, which is a doctrinal investigation based on primary and secondary legal materials. The approaches used in this study is the conceptual approach.

II. Politics and International Law

The political system was defined as a "pattern including continuous human relations at a significant level to control, influence power, or authority".⁸ This subsection analyzed the conceptualization of politics and

⁸ Robert A. Dahl, *Modern Political Analysis*, fourth edition, (New Jersey: Prentice-Hall, 1984), p. 10

law through the approaches of realism (neo-realism), rationalism (neoliberal/institutional), constructivism, marxism, and green politics.

Christian Reus-Smit provided a dual interpretation of politics and law, emphasizing the interconnectedness influencing international relations and governance structures.⁹ First, politics was seen as providing essence and structure to law as well as order. However, numerous international relations scholars perceived global law either as a reflection of underlying power politics or a functional solution to cooperation problems. Second, Christian proposed the concepts of politics in law, indicating the influence on politics and taking on different forms within reasoning and practice.

Politics and law according to Cerar were social phenomena with various ontological concepts. Monistic ontological concepts stated that law and politics were two aspects of the same entity. However, dualistic ontological concepts suggested that law and politics were inherently different as a consequence of a dualistic or pluralistic nature.¹⁰ Cerar further asserted that this ontological perspective only caused a partial or complete overlap of both spheres. Politics was divided into three basic dimensions, namely (1) the institutional, expressed by the term polity and required operation by states as well as non-state institutions (non-governmental organizations, social movements, and media), (2) the normative, expressed by the term policy and necessitated the creation of aspirations in realizing social basic values as well as objectives directed at practical realization, and (3) the process, expressed in the formation of political resolve through the application of social power and authority developed by conflict and consensus. Therefore, law was expressed in the formation of states and non-state institutions from an institutional perspective. Law was also perceived as a norm from a normative perspective while it evolved through various procedures and the

⁹ Christian Reus-Smit, *op.cit.*, p. 14

¹⁰ Miro Cerar, "The Relationship Between Law and Politics", *Annual Survey of International and Comparative Law*, Volume 12 Issue 1 (2009): 21

functioning of state bodies as well as individuals from the process dimension.

The concept of realism was characterized by treating politics as an avenue to acquire power among sovereign states and law as a reflection of the balance prevailing in international relations.¹¹ According to Hikmahanto, the reality of interstate relations required international law to function as a political instrument¹² and to mutually affect interests. A state adopted international law as a political instrument to bypass sovereign obstacles in pursuit of national interests. The primary reason for a state's participation in international relations and cooperation with other nations remained national interests. A state's politics were not only motivated by national but also by global interests. States cooperated to pursue global values and interests regardless of differences in domestic interests.¹³ Basic values and norms that created awareness of shared interests included peace, social, economic, and political justice, as well as ecological balance.

The concept of rationalism (neoliberal/institutional) elaborated that states often experience obstacles in the efforts to maximize national interests. These obstacles could be overcome through international legal instruments. International law was seen as a set of functional rules to solve cooperation problems among sovereign states. Another approach articulated by scholars was constructivism which viewed politics as a socially constitutive action. Law was also perceived as the center of normative structures that conditioned state politics and legitimate actions. Furthermore, the conceptualization of politics and law was elucidated through several approaches below.

1. Realism

¹¹ Christian Reus, *op.cit.*, p. 15

¹² Hikmahanto Juwana, "Hukum Internasional Sebagai Instrumen Politik: Beberapa Pengalaman Indonesia Sebagai Studi Kasus", *Arena Hukum*, Volume 6, Nomor 2 (Agustus 2012):107

¹³ Munafrizal Manan, "Foreign Policy and National Interest: Realism and Its Critiques", *Global and Strategies*, Vol. 9, No. 2 (2015): 182, <http://dx.doi.org/10.20473/jgs.9.2.2015.175-189>

Morgenthau in the book "Politics Among Nations" explained six principles in realist politics, namely:¹⁴

- a. Realists believed that politics was governed by objective law rooted in natural policy. In the development, the objectivity of law allowed for imperfect and erroneous policy at a specific time. Politics needed to distinguish between objectivity and rational truth, supported by evidence and logical reasoning. Therefore, subjective judgments were separated from information in the form of prejudice without facts.
- b. Realist politics in determining the course of international relations operated through the concept of interest defined in terms of power. This concept divided the relationship between logic and facts in understanding international politics. In scope of action and understanding, politics was positioned autonomously and distinct from ethics, aesthetics, or religion. Political theories (international or domestic) were impossible to achieve without the concept, due to the absence of differentiation between systemic order in the political domain.
- c. Realism assumed that the main concept of 'interest' defined as power was an objectively universal valid category. The identity of 'interest' in realism was the essence of politics which was not influenced by circumstances, time, and place. Max Weber in Morgenthau stated that 'interest' did not directly dominate human action but rather influenced perceptions, guiding the continuous dynamic movement of interest.¹⁵ Realist politics also assumed that conditions of extreme instability and the threat of violence were changeable, thereby requiring a balance of power as an eternal element of a pluralistic society.

¹⁴ Hans J. Morgenthau, *Politics Among Nations: The Struggle For Power and Peace*, sixth edition, (New York: McGraw Hill, 1985), pp. 6-17

¹⁵ Max Weber in Hans J Morgenthau

- d. Realist politics emphasized the importance of morals in political actions. Tensions were inclined to arise in international relations, thereby moral commands served as guidance in political actions. Furthermore, realism asserted that universal moral principles should not be applied to state actions in abstract universal formulations. The principles should be filtered through concrete time and place such as the phrase "*fiat Justitia, pereat mundus*", signifying that justice was to be upheld even though the world perished.
- e. Realist politics refused to identify the moral values of nations as a universal ethical law to govern the world. Nations' compliance with moral law was certain but identifying the good or bad in international relations seemed uncertain.
- f. The perspective on 'interest' between realist politics and other schools of thought varied. Realists maintained politics autonomously, similar to economists, lawyers, and moralists having different understandings regarding the definition of 'interest'. Realists defined 'interest' as 'power', economists identified it as 'wealth', lawyers observed the word as conformity of actions to legal rules, while moralists asserted the term as actions based on moral principles.

Politics evolved as the power to address issues including authority conflicts.¹⁶ Similarly, Morgenthau stated that international politics was focused on power struggles.¹⁷ Regardless of how international politics was conducted, power remained the primary objective. States in international relations eventually aimed to pursue freedom, security, prosperity, and power.

¹⁶ E. H., Carr, *The Twenty Years' Crisis, 1919-1939*, (London: Macmillan, 1946), p. 97

¹⁷ Morgenthau, *op.cit.*, p. 31

The essence of the realist perspective placed states as the main actors in global politics.¹⁸ States were actively engaged in continuous power struggles with each other to maximize relative material authority. Depicted as rational unitary actors, states focused solely on survival in an anarchic system prioritizing the distribution of military capabilities.¹⁹

States were the primary determinant actors in solving environmental issues given independent and legitimate power in the international political system.²⁰ The existence of non-state actors was considered only in terms of providing input at the decision-making level by states.

International law was perceived as epiphenomenal from a realist perspective, relying on weak and ineffective power when faced with more powerful state actions.²¹ According to Morgenthau, international politics was not reduced to rules or legal institutions operating within the framework of these rules and through the mediation of law.²²

The modern international legal system resulted from significant political transformations originating from the Middle Ages.²³ International law evolved from a feudal to a modern governance system, specifically since the creation of states from the 17th century to the post-World War II period. Recognition of the existence of international law effectively regulated and restrained power struggles in global politics.²⁴ The decentralized nature originated from the fragmented structure of the global community.²⁵ Sovereign states constituted the main characteristics of the global community with the highest legal authority, as there was no greater authority in the enforcement and creation of international law. The

¹⁸ Christian Reus-Smith, *loc.cit.*

¹⁹ Jefri Gerald Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations" in Christian Reus-Smith, p. 15

²⁰ Susanne Jacobsen, "International Relations and Global Environmental Change", *Cooperation and Conflict*, Sage Publication, Vol. 34, No. 2 (1999): 209

²¹ *Ibid*, p. 16

²² Morgenthau, *op.cit*, p. 19

²³ *Ibid*, p. 293

²⁴ *Ibid*, p. 295

²⁵ *Ibid*, p. 296

existence of international law depended on two factors namely mutual interest in complementing each other and the distribution of power among sovereign states.²⁶ The balance of power among states was a social force in international relations. Based on Oppenheim's perspective, the balance was stated as a condition highly necessary in international law.²⁷

Realism emphasized the potential for global environmental change to prevent conflicts between states from the basic ontology of interstate anarchy, prioritizing security above other nations. State interests were directed toward environmental security, potentially having the strongest political impact leading to the military prioritizing state policy-making.²⁸ Environmental security referred to state interests in the new threat of ecological degradation leading to conflicts over access to strategic resources such as water, agriculture, forests, and fisheries. Therefore, the military played a crucial role in addressing environmental change.²⁹ These concerns had the potential to trigger conventional political conflicts and even wars between states.

The ecological political approach to the concept of environmental security was applied by understanding the importance of living free from conditions of violence and having access to goods and services without constant threats from authoritarian government crimes.³⁰ Environmental security comprised the absence of risks or threats (physical and psychological) to the environment on which individuals or communities depended and lived.

1. Rationalism (Neoliberal)

²⁶ *Ibid*

²⁷ L. Oppenheim, *International Law*, second edition, (London: Longmans, Green and Company, 1912), p. 193

²⁸ Matthew Paterson, *op.cit.*, p. 20

²⁹ *Ibid*

³⁰ Jampeter Schilling, Almut Schilling-Vacaflor, et.al, "A Political Ecology Perspective on Resource Extraction and Human Security in Kenya, Bolivia, and Peru", *Extractive Industries and Society*, (2020): 2-3 <https://doi.org/10.1016/j.exis.2020.10.009>,

Another approach to politics and law in international relations was rationalism (neoliberal/institutional). In contrast to realism, which viewed international law as a political product created by states to secure national interests, rationalism (neoliberal) prioritized it as an effective and efficient strategic action to achieve both individual (national) and collective state interests.³¹ This was achieved through cooperation in international politics by all states. Rationalists argue that the flaws in realism, marked by deception and violation in international relations, were mitigated through state collaboration in forming institutions. These institutions were delineated as persistent and interconnected sets of rules (formal and informal) guiding behavior, constraining activity, and shaping expectations.³² Subsequently, these rules were further codified into international law and understood as a functional societal regulatory institution.

Rationalist politics in the formation of international institutions influenced the domestic system of states. International institutions successfully navigated the impasse of realist anarchy in the challenge for states to cooperate in addressing international challenges, including environmental issues. International agreements in environmental matters rapidly developed over recent decades. In the development, international agreements in the global arena steadily evolved into 'hard law' binding the states. For instance, the Montreal Protocol on Substances that Deplete the Ozone Layer constituted a binding legal agreement on the third parties, containing prohibitions for producers regarding the use of hazardous substances potentially depleting the ozone layer.

The perspective developed by rationalists emphasized the collaborative efforts between international politics and law. In

³¹ Christian Reus-Smith, *op.cit.*, p. 18

³² Robert O. Keohane in Christian Reus-Smith

politics, law was influenced by political interests, power, and institutions.³³ However, legalizing the law also influenced the process and outcome of politics. This established a reciprocal relationship between law and politics with international institutions serving as a bridge. International institutions have a set of rules, norms, and decision-making procedures influencing the expectations, interests, and behaviors of highly diverse actors.

The neoliberal perspective in international politics asserted that the evolution of environmental regimes initially centered on states (realism). States had power entities regulating international relations but the authority shifted due to social change with the evolution of non-state actors. This shift significantly influenced policies, norms, and standards in global environmental regulation. Neoliberals advocated for cooperation through the establishment of international institutions authorized to address global environmental issues. The challenges were not solely interactions between sovereign states but were collective actions requiring cooperation among states and non-state actors. This collaborative partnership was based on the understanding that no state could address global environmental issues individually and could neither shield the nation from the impacts of climate change nor reap the benefits of a stable climate (non-excludability of benefits).³⁴

The neoliberal perspective failed to explain international environmental politics from a liberal institutionalist position.³⁵ Numerous explanations solely focused on patterns of interaction among states, particularly the relationship between the global environment with economic and security issues. Krasner's assessment defined these regimes as a "*set of explicit or implicit*

³³ Judith L. Goldstein, Miles Kahler, et.al., *Legalization and World Politics*, (Cambridge: The MIT Press, 2001), pp. 2-3

³⁴ Matthew Paterson, *Understanding Global Environmental Politics: Domination, Accumulation, Resistance*, (Great Britain: Macmillan Press Ltd., 2000) pp. 12

³⁵ *Ibid*

principles, norms, rules, and decision-making procedures around which actors' expectations converged in a given area of international relations". Based on the neoliberal perspective, environmental politics centered on institutions that generated principles, norms, rules, and decision-making procedures through collaboration and international cooperation.

Matthew asserted that the neoliberal still had shortcomings requiring criticism theoretically and politically, including a commitment to restrictive ideas about what constituted international relations and sovereign state interactions in an anarchic environment.³⁶ The primary focus was on the consequences of the international system, rather than on addressing global environmental issues. Another shortcoming was that neoliberalism had implicit perspectives of liberal political economy, suggesting state interactions and capital/markets should be fundamentally separated from the environmental sphere of social life. Furthermore, there was a commitment to positivist ideas about the objectives of social science. Neoliberal/institutionalists were only concerned with identifying conditions in which nations in an anarchic international system could cooperate for global environmental change.

Within the rationalist, further developments introduced new ideas in international political administration leading towards 'global governance.'³⁷ Specifically, the concept of global governance gradually shifted away from the anarchical nature of states towards a situation where additional actors operated at a transnational level. This shift explicitly developed pluralism internationally including the evolution of state actors originating from the global community, such as non-governmental

³⁶ *Ibid*, pp. 16 -17

³⁷ *Ibid*

organizations (NGOs), influencing national and international decisions as well as policies within the framework of international institutions.

2. Constructivism

The evolution of constructivism was prompted by four factors, each contributing to the development and influence of international relations. First, constructivism served as a middle ground between realism and rationalism, recognizing the strengths and weaknesses of each in international relations and aiming to provide substantive analysis. Second, post-Cold War dynamics in global politics systematically influenced a new world order and undermined the concept of realism. This placed states as the most powerful actors in international politics during the era. Third, in the early 1990s, a new generation of young scholars evolved to criticize international theory by elaborating on empirically informed concepts such as international change dynamics, institutional practices, the role of non-state actors, and human rights issues. Fourth, constructivism focused on exploring propositions about social life and how the world's political structure influences the social behavior of both individuals and states. According to constructivists, normative and ideational structures were equally important as political frameworks. Neo-realists emphasized the importance of material structures such as the balance of military power, while Marxists identified the material structures of the capitalist world economy. However, constructivists argued that systems, ideas, beliefs, and values also had structural characteristics influencing social and political actions significantly.³⁸

³⁸ Christian Reus-Smit, "Constructivism" in Scott Burchill, Andrew Linklater, et.al., *Theories of International Relations*, (New York: Palgrave Macmillan, 2005), pp. 194-199

The constructivist structure built through social theory was categorized into two basic principles. First,³⁹ the structure of human association was primarily determined by shared ideas rather than material power. Second, the formation of identities and interests of actors towards common objectives was given by nature. Two approaches could be taken based on this discovery, (1) an idealist method to social life emphasizing socially constructed ideas (in contrast to a materialist perspective), and (2) a holistic or structuralist method, where individualistic social structures could be reduced by the individuals. Therefore, adherents of constructivism perceived this concept as 'structural idealism.

Constructivism positioned law and legal systems as social constructs.⁴⁰ Law was considered a social construct comprising institutional facts such as commands and rules developed by the authorities through patterns of thought and action.

The international community's response in decision-making and policymaking on environmental issues reflected the interpretation of environmental discourse as a 'social construct.'⁴¹ Environmental discourse formed coalitions among those who share the same interpretation of the environment, while differences in interpretation led to debates. Consequently, each party advocated for the interests to achieve the desired outcomes with environmental decisions and policies reflecting the discourse advocated for. Brad Jessup cited Dryzek stating that discourse served as the foundation for analysis, debate, agreement, or disagreement, grounded in assumptions, judgments, and

³⁹ Alexander Wendt, *Social Theory of International Politics*, (Cambridge: Cambridge University Press, 1999), p. 1

⁴⁰ Leslie Green, "Hart's Message" in H.L.A. Hart, *The Concept of Law*, third edition, (Oxford: Oxford University Press, 2012) p. xvii

⁴¹ Brad Jessup, Kim Rubenstein, *Environmental Discourses in Public and International Law*, (Cambridge: Cambridge University Press, 2012) p. 7

disagreements. Therefore, international environmental law depended on the discourse that influenced debates in parliamentary and international forums.

The social sector and various actors significantly influence the configuration of a state's environmental politics.⁴² The decision-making process related to a state's environmental politics heavily relied on the capacity and abilities of actors such as government, academia, industry, as well as civil society. This was included in both international environmental negotiation processes and the domestic response of the state to global commitments.

3. Marxism

Marxism was a social theory largely consisting of the analysis of capitalism as a mode of production and a crucial factor in the proliferation of market mechanisms.⁴³ Liberal capitalism suggested that free markets moved towards equilibrium and gradually became stable. This also taught the working class's role in mastering the market, thereby controlling international politics. Key elements of Marxist thought were emphasized through interconnection and context as materialist concepts.

The basic principle of the economics perspective was that free trade fostered increased prosperity through economic integration, leveraging competitiveness and comparative advantage principles.⁴⁴ According to Mehra, the interaction

⁴² Dana R. Fisher, "Global and Domestic Actors Within the Global Climate Change Regime: Toward a Theory of the Global Environmental System", *International Journal of Sociology and Social Policy*, Volume 23 Number 10 (2003): p. 5

⁴³ Stephen Hobden, Richard Wyn Jones, "Marxist Theories of International Relations", in John Baylis, *et. al*, *The Globalization of World Politics: An Introduction to International Relations*, (eds), sixth edition, (Oxford: Oxford University Press, 2014), pp. 142-143

⁴⁴ Meeta Keswani Mehra, "Interaction Between Trade and Environment Policies with Special-Interest Politics", *Indian Growth and Development Review*, Vol. 3 No. 2, (2010): 21-23

between political-economic relations and environmental policies was analyzed into two alternative approaches. First, the policy instrument approach suggested that government policy prioritizing social welfare over environmental concerns could lead to adverse environmental impacts, particularly when environmental taxes were set lower than Pigouvian taxes. Second, economic and environmental strengths were considered political, as reflected in the government counterbalances by increasing import tariff taxes to raise higher pollution taxes than Pigouvian. Subsequently, the potential environmental impacts were effectively mitigated. These policy adjustments were influenced by lobbying power within each state, impacting economic trade and environmental policies.⁴⁵

Ecological modernization through market restriction regulation mechanisms aimed to reduce environmental burdens but failed to address the overall expansion of the global economy or the injustices within the neoliberal system.⁴⁶ States prioritized capital accumulation and used market mechanisms accordingly. International regimes and epistemic communities associated rules and regulations with technical environmental practices, focusing on the structure and dynamics of global organizations, as well as key state strategies in the negotiation process.

The environment played a political role through the three main economic functions namely, as a consumption good, a provider of raw materials for production processes, as well as an

DOI: 10.1108/17538251011084464

⁴⁵ *Ibid*

⁴⁶ Simon Dalby, "Environment and International Politics: Linking Humanity and Nature", in Gustavo Sosa-Nunez and Ed Atkins, *Environment, Climate Change and International Relations*, (England: E-International Relations Publishing, 2016), p. 50

absorber of industrial waste and human activities.⁴⁷ Furthermore, the awareness of these three functions led to conflicts of interest.

When a state prioritized the economic sector over environmental concerns, it posed a significant threat to the degradation of the ecosystem. The arbitration decision on the Iron Rhine and Railway case (Belgium vs. Netherlands) identified the relationship between environmental and development laws, emphasizing a duty to prevent or mitigate environmental harm resulting from development activities. According to the court, this principle evolved into a cornerstone of general international law, applicable not only to autonomous activities but also to those undertaken in the implementation of specific agreements between parties.

The development of international environmental law further offered reconciliation between the economy and the society under a conceptual framework called 'sustainable development.' This framework was based on the Brundtland Report and was defined as the 'development that meets the needs of the present without compromising the ability of future generations to meet the special necessities.'

g. Green Politics and Political Ecology

Environmental issues and the explosion of the world's population had a significant impact on global politics. Therefore, the world's population needed strategies to sustain life in the long term. Supporters of green politics argued that the current crisis affected the planet's sustainability, leading to changes in environmental quality as well as social, economic, technological, and political relationships.⁴⁸ Economists were

⁴⁷ Nurul Isnaeni, "Bank Dunia, Indonesia dan Politik Lingkungan Global (Mencermati Agenda Pembangunan Berkelanjutan)", *Global: Jurnal Politik Internasional*, Vol. 1 No. 7 (2001): p. 45

⁴⁸ Samuel M. Hines, Jr., "Ecology and Environmental Issues at Global Level", *Politics and the Life Sciences: The State of the Discipline Research in Biopolitics*, Volume 12, (2014): 206 doi:10.1108/S2042-994020140000012006

obsessed with economic development based on unlimited growth despite the limited and rapidly depleting resources. Economic development aimed to control the level of poverty worldwide. However, unchecked resource exploitation could burden the environment in the future. The consumption patterns of the global population caused more environmental damage, including increased greenhouse gas emissions and climate change.

Green politics was a relatively new field of research developing over the last two decades in response to increasing environmental degradation at both global and local levels, leading to social and economic consequences. Generally, supporters of green politics proposed transition and reconstruction strategies. This emphasized socioeconomic contributions to sustainable development, including poverty alleviation and socioeconomic inequality through social justice, re-conceptualization of work, as well as democratic participation.⁴⁹ The concept of sustainable development (a political discourse) included existing political, economic, and social institutions internalizing environmental protection through macroeconomic fiscal policies and microeconomic clean technology and innovation.⁵⁰

Joel Kovel conceptualized green politics as a grassroots development process, starting from the ground-level political structure transformation and progressing globally toward political ecology. The process continued to move upward towards the formation of social blocs and political parties rooted in local movements.⁵¹ Therefore, the political substance initially commenced at the national level and moved towards global ecological politics.

Ecopolitics was a branch of biopolitics that focused on the political, economic, cultural, and environmental interactions in local processes,

⁴⁹ John Barry and Graham Smith, "Green Political Economy and the Promise of the Social Economy", in Peter Dauvergne (eds), *Handbook of Global Environmental Politics*, (Cheltenham: Edward Elgar Publishing, Inc, 2005), p. 249

⁵⁰ *Ibid*, p. 50

⁵¹ Joel Kovel in Carl Boggs, *Ecology and Revolution*, (New York: Palgrave Macmillan, 2012), p. 194

regional policymaking, as well as national and international contexts, considering the global ecosystem, subsystems, and threats. Understanding the functional relationship between systems and subsystems holistically was crucial.⁵²

Political ecology served as an eclectic approach to analyzing the political context between humans and nature.⁵³ It emphasized the analysis of the interconnections between the global political-economic system and the crises as well as the degradation of the environment occurring at the local level. Politicization of knowledge analysis was characteristic, specifically in understanding how biophysical nature was represented through knowledge in policies and civil society movements.

The political ecology approach provided an overview of the fundamental social factors influencing and addressing threats as well as vulnerabilities.⁵⁴ The approach examined the relationship between humans and nature by analyzing the social structures affecting access to and control over natural resources. Political ecology further identified conflicts regarding the distribution of benefits and burdens caused by environmental and social change. It traced the causes of environmental degradation to broader systems. Therefore, the general model of political ecology development fostered the potential of community activities and social movements dynamically towards establishing institutionalized social life patterns.⁵⁵

III. Global Environmental Politics in International Law

⁵² Samuel M. Hines, Jr., *op.cit.*, p. 214

⁵³ Rini Astuti, "Ekologi Politik REDD+: Kontestasi Politik, Modal, dan Pengetahuan", *Wacana: Jurnal Transformasi Sosial*, Nomor 30 Tahun XV, (2013): 6

⁵⁴ Nurhadi Sirimorok, "Menuju Ekologi Politik: Sketsa Kajian Perubahan Iklim dan Kebencanaan di Indonesia", *Wacana: Jurnal Transformasi Sosial*, Nomor 29 Tahun XV, (2013): 21

⁵⁵ Carl Boggs, *op.cit.*, 195

Keohane and Nye defined globalism as a world condition including networks and interdependencies among continents connected by flows and influences of capital and goods, information and ideas, individuals and power, as well as environmentally and biologically relevant substances.⁵⁶ Furthermore, Miller defined globalism as framing particular features of nature or society and agreeing to conduct investigation, measurement, analysis, and responses to global issues.⁵⁷ The evolution of globalism inspired scholars to construct concepts and models within the global system, including the recognition of environmental issues.

There were several reasons environmental issues became global concerns and entered the international political agenda.⁵⁸ First, various environmental issues had global dimensions such as CFCs (chlorofluorocarbons). The substance was released into the atmosphere contributing to ozone depletion, requiring global cooperation for resolution. Second, certain issues were connected to the exploitation of global resources jointly owned by all members of the international community, such as oceans, deep-sea beds, atmosphere, and outer space. Preserving these genetic resources was essential for common interests. Third, numerous environmental issues were intrinsically transnational, crossing national borders by nature such as sulfur dioxide emissions carried by winds and causing acid rain in downwind states. These transnational issues required political and technical solutions. Fourth, processes of overexploitation led to national-scale environmental degradation, occurring in numerous states worldwide and considered global issues. For instance, unsustainable agricultural practices, soil degradation, erosion, and deforestation affected numerous states globally. Finally, processes

⁵⁶ Robert O. Keohane, Joseph S. Nye, Jr, *Power and Interdependence*, (Longman, 2011), p. 224

⁵⁷ Clark A. Miller, "Resisting Empire: Globalism, Relocalization, and the Politics of Knowledge, in Sheila Jasanoff, Marybeth Long Martello (eds), *Earthly Politics: Local and Global in Environmental Governance*, (Cambridge: The MIT Press), p. 82

⁵⁸ Owen Greene, "Environmental Issues, in John Baylis and Steve Smith (eds). *The Globalization of World Politics: An Introduction to International Relations*, Second Edition, (Oxford: Oxford University Press, 1999), pp. 387-388

leading to overexploitation and environmental degradation were closely related to broad socio-economic and political processes, inherently parts of the global political economy.

Global environmental politics included the practice in various locations to change or protect the environment. This implied that global environmental issues and related political activities occurred at the local, national, transnational, regional, or international levels depending on the location, scale, or environmental issues being addressed. There were different locations of environmental politics, each with different challenges but with global-scale impacts. For instance, environmental change could occur locally, such as household waste, while issues including global warming and climate change affect the entire planet.⁵⁹

The evolution of international institutions also accelerated the development of globalism. Specifically, the formation of international institutions aimed to integrate international policies into the national law of states. The rise of global environmental issues laid the foundation for supranational governance to take protective and preventive actions in case of damage.⁶⁰ Global environmental issues evolved into an international dimension of politics, including relationships between sovereign and non-sovereign states as transnational phenomena. This required international cooperation to ensure the survival of humans and living beings on planet Earth.⁶¹ International cooperation in addressing environmental issues aimed to reach agreements on valid international standards, benchmarks, and norms, as well as the implementation methods.⁶² The establishment of standard benchmarks, measurements, and norms was necessary to define general principles of collective handling and to create appropriate

⁵⁹ Paul G. Harris, "Delineating Global Environmental Politics", in *Routledge Handbook of Global Environmental Politics*, (London: Routledge, 2014), pp. 2-3

⁶⁰ Sheila Jasanoff, "Heaven and Earth: The Politics of Environmental Images" in Sheila Jasanoff, Marybeth Long Martello (eds), *Earthly Politics: Local and Global in Environmental Governance*, (Cambridge: The MIT Press) p. 31

⁶¹ John Vogler, *Climate Change in World Politics*, (Hampshire: Palgrave MacMillan, 2016), p. 1

⁶² Anna Yulia Hartati, "Global Environmental Regime: Di Tengah Perdebatan Paham Antroposentris Versus Ekosentris", *Spektrum: Jurnal Ilmu Politik Hubungan Internasional*, Vol. 12, No. 2 (Juli 2012): 2

rules and processes for forming international regimes in the environmental dimension.

Realist environmental politics, which laid the foundation that environmental issues had implications for environmental security as a universal value shifted to alternatives. New universal values such as justice and equitable development shifted the importance of security as a value, necessitating political compromises for long-term national and international interests.⁶³ Power was no longer focused solely on state authority but on non-governmental institutions playing a significant role in global environmental politics, both in individuals and transnational actors.

John Vogler's criticism of realist and neoliberal interpretations of state behavior and the possibility of international cooperation in global environmental politics was based solely on the difference in ideas of 'interest'. The realist concept of national interests, the survival of the state, and territorial integrity were essential. Therefore, the participation of states in international agreements aimed to avoid and reduce the dangers of the ecosystem impacts.⁶⁴ Environmental protection, the expansion of strategic economic resources, and the maintenance of territorial integrity were aimed at national interests. For neoliberals, international cooperation included a bargaining process where most economic and state interests overlapped by promoting absolute gains rather than relative profits. The idea of national interest was considered a fiction where conflicts of interest often occurred. The positions taken by governments were often the result of extensive bureaucratic politics. Even the interests of industrial and private sector groups or non-governmental organizations (NGOs) became important parts of the environmental political arena and were often treated as actors with rights.

⁶³ John Vogler, Mark F. Imber, *The Environment and International Relations*, (New York: Routledge, 1996), pp. 14-15

⁶⁴ John Vogler, *op.cit.*, pp. 60-61

Environmental politics transformed the practices of states in understanding sovereignty and the international system. The limitations of states in implementing environmental policy mechanisms were questioned. Dyer argued that the limitations of states to implement global environmental policies originated from the political obligations determined by the existing perceptions and expectations, juxtaposed with national priorities in the economic sector.⁶⁵

The impact of globalization on states prompted debates regarding sovereignty and the influence of national and international interests in policy-making.⁶⁶ A state was considered a legal abstraction and could simultaneously claim sovereignty internally. Political authority was also expressed as sovereignty, thereby addressing global environmental issues suggested that states exercising absolute sovereignty was highly impractical. However, global politics provided opportunities for international cooperation.⁶⁷

The United Nations Framework Convention on Climate Change (UNFCCC) of 1992 established technical rules through the Kyoto Protocol of 1997, which obligated Annex I countries, including the United States, to reduce greenhouse gas emissions to stable levels prior to 1990. In fact, the United States expressed reluctance to ratify the Kyoto Protocol of 1997, which was a significant measure for implementing the UNFCCC of 1992. The principle of common but differentiated responsibility has not been able to compel the United States to commit to reducing the greenhouse gas emissions produced by the country. This principle contains two main ideas: first, the affirmation of the shared responsibility of each country to protect the environment at the global level, regardless of whether big or small country. Second, the shared responsibility of each country is differentiated according to its capabilities.

⁶⁵ Hugh C. Dyer, "Nations, Sovereignty and the International System", in Paul G. Harris, (eds), *Routledge Handbook of Global Environmental Politics*, (London: Routledge, 2014), pp. 85-86

⁶⁶ Jerry McBeath, Jonathan Rosenberg, *Comparative Environmental Politics*, (Netherlands: Springer, 2006), p. 6

⁶⁷ Dyer, *Ibid*

The compromise achieved during the Kyoto negotiations established equality of responsibility for all countries : developed, developing, or poor country, to collaborate in reducing global emissions. For Annex I countries (developed countries) that have contributed to greenhouse gas emissions due to human activities since the industrial revolution of the 1850s, there is an obligation to reduce their combined greenhouse gas emissions by at least 5 percent from 1990 levels. Meanwhile, Non-Annex I countries are those not included in Annex I, and their contribution to greenhouse gas emissions is much lower, along with significantly lower economic growth. Furthermore, the United States' decision to withdraw from the 2015 Paris Agreement has been lamented by the international community. President Donald Trump's assertion that U.S. participation in the Paris Agreement did not offer economic or political benefits reinforced public assumptions that, from the beginning, the United States did not possess a strong desire or commitment to collaborate in addressing climate change.

Sovereignty was often cited as a reason by states to reject the internalization of international politics into national politics. It was further considered by experts as an outdated state action despite the adoption. James N. Rosenau in McBeath stated that numerous interactions supporting current world politics occurred without direct state participation, as no nation could truly possess absolute sovereignty. Another debate concerned the consequences of domestic and international policy-making. McBeath asserted that both international and national policies mutually influence each other.⁶⁸

1. State Sovereignty

Sovereignty posed a burdensome obstacle due to clashes with international regulations, institutions, and adjudication for supporters committed to advancing global order through law. Critics

⁶⁸ *Ibid*

from the 'utopian realist' camp regarded sovereignty as a crucial defense against the overwhelmingly powerful and hegemonically institutionalized global market apparatus, now transformed into 'international regulation'.⁶⁹

Sovereignty remained a subject of debate as the legal foundation of international environmental discourse, particularly concerning the North-South dichotomy in global groupings.⁷⁰ National sovereignty was crucial for developing states as it underpins the struggle for self-determination and economic independence. For developing states, sovereignty was permanent over natural resources and regarded as a fundamental element of the nation's right to self-determination.⁷¹ The evolving perception was that the condition led to a situation politically where laws prevented developing states from controlling natural resources by creating a 'new international economic order'.

The environmental issue effectively influenced the global standards of state behavior. In various political processes and due to pressures from transnational relations, states inherently limited autonomous actions by constraining the sovereignty possessed through the correlation with international policies. Furthermore, a distinction was made between 'operational sovereignty' and 'formal sovereignty'. Operational autonomy was defined as the legal freedom of states to act following international law, while formal sovereignty referred to legal terms as the supremacy and independence of the nation.⁷²

Sovereignty had both external and internal dimensions, which could be strengthened or maintained by the state. However, the

⁶⁹ Jose E. Alvarez, "State Sovereignty Is Not Withering Away: A Few Lessons for the Future" in Antonion Cassese, (eds) *Realizing Utopia: The Future of International Law*, (Oxford: Oxford University Press, 2012), pp. 28-29

⁷⁰ Keith Porter, et. al. "*International Environmental Law*", SOAS University of London (2014): 5

⁷¹ James Crawford, *Brownlie's Principles of Public International Law*, eighth edition, (Oxford: Oxford University Press, 2012), p. 333

⁷² Ken Conca and Geoffrey D. Dabelko, *Green Planet Blues: Critical Perspectives on Global Environmental Politics*, sixth edition, (New York: Routledge, 2019), p. 90

sovereignty dimension did not automatically reduce state actions under international law, specifically regarding global environmental issues.⁷³ States were confronted with a series of new challenges related to global environmental issues such as macroeconomic stabilization and creating social safety nets. Increasing evidence suggested that participation, democracy, and legitimate authority were essential to solving environmental issues.

2. State Obligations for Environmental Protection

States were the primary subjects in international law, thereby playing a central role in the mechanisms of environmental protection efforts.⁷⁴ A state was considered an entity with the authority to regulate domestic activities, including through the adoption of international law into national regulations. This mechanism was implemented when (1) the state used international agreements to meet regulatory standards for environmental protection and national interests. The law was not only incidental when the state set environmental standards, but it also legitimized national interests. (2) the mechanism truly functioned as a process to establish specific standards leading to more effective environmental protection.

International law did not permit a state to engage in activities within the territorial jurisdiction without considering the rights of other nations or without regard for global environmental protection. This principle was known as "*sic utere tuo ut alienum non laedas*" which implied the principle of good neighborliness. Essentially, states were expected to prevent, reduce, and control environmental harm.⁷⁵

⁷³ *Ibid*, p. 97

⁷⁴ David G Victor, Owen Greene, et. al, "Working Paper: Review Mechanism in the Effective Implementation of International Environmental Agreements", International Institute for Applied Systems Analysis, (1994): 7

⁷⁵ Patricia Birnie, et.al., *International Law and The Environment*, (Oxford: Oxford University Press, 2009), pp. 137- 207

- a. Border pollution and environmental damage due to activities that fell under the jurisdiction or control of the nation. States were required to take appropriate action to prevent or minimize the risk of significant harm to the minimal extent possible and not just the obligation to take reparative action after environmental damage occurred. Therefore, states should take action to identify the risks by conducting environmental impact assessments or monitoring. Engaging in prevention and continuously following scientific progress and knowledge sustainably (the precautionary principle) was considered an obligation for the states. Furthermore, international environmental law imposed an obligation on states to apply the precautionary principle in risk management. This principle was crucial for governing, influencing, as well as elucidating contemporary environmental law and policies. States were motivated to enact regulations in national law by adopting previously existing international policies to avoid the hazards posed by development projects to the environment.
- b. States were to cooperate in cross-border environmental mitigation and address risks from emergencies through notification, consultation, negotiation, and environmental impact assessment. This fostered a collaborative approach to managing environmental challenges across borders.

Cooperation provided an essential foundation upon which multilateral environmental agreements were developed. This cooperation served as the basis for equal adoption, management, and conservation of shared natural resources. The Stockholm Conference in 1972 recognized that multilateral cooperation or appropriate bilateral arrangements were essential for states to control, prevent, reduce, and eliminate adverse environmental impacts from activities in all areas. However, this cooperation was not interpreted as a justification for obstructing other states from delaying the exploration, exploitation, and development

projects of natural resources within the territories. The exchange of information should also remain necessary to uphold the spirit of environmental stewardship.

Acid rain, ozone depletion, climate change, biodiversity loss, hazardous and toxic waste, river pollution, as well as depletion of freshwater resources were among the global environmental issues requiring international cooperation. Starting from the mid-1980s, the development of environmental law commenced to address conservation aspects of natural resources, becoming essential to public international law.⁷⁶

The initial evolution of environmental issues was considered a national problem, leading to the perception that international legal instruments were unnecessary.⁷⁷ This was due to suspicion that it constituted an intervention in the domestic affairs of other states. However, this perception was short-lived as identifying environmental issues with the recognition of the ecological interrelationships, identified the international implications. These implications could be bilateral, subregional, regional, or universal, requiring international law as a regulatory framework governing both state and non-state actors in the 'globalization of the world'.⁷⁸

International environmental law evolved as rules to regulate state activities conducted within the territorial boundaries but with implications beyond the jurisdiction of the nation. Ademola Abass defined international environmental law as the policy that governs ecosystem protection aimed to ensure the conservation of the environment, including the conservation of natural resources and the reduction of harmful practices.⁷⁹ International or Multilateral Environmental Agreements

⁷⁶ Phillipe Sands, *Principles of International Environmental Law*, (Cambridge: Cambridge University Press, 2003), p. 1

⁷⁷ Sefriani, *Peran Hukum Internasional: Dalam Hubungan Internasional Kontemporer*, (Jakarta: PT. Raja Grafindo Persada, 2016), p. 259

⁷⁸ *Ibid*

⁷⁹ Ademola Abass, *International Law: Text, Cases, and Materials*, (Oxford: Oxford University Press, 2014), p. 815

(MEA) focused on the objectives of conservation and protection as well as 'sustainable use' or 'sustained economic growth,' correlating international environmental law with sustainable development.⁸⁰ This framework emphasized environmental preservation, conservation, and protection through agreements, principles, and regimes implemented through national regulatory instruments and coordinated by the governance of the international environmental system.

The Trail Smelter case (1930) established a general legal principle regarding a state's international responsibility for activities within the jurisdiction that had consequences for other states. This was due to pollution caused by a fertilizer company owned by Canadian citizens operating at the Canada-United States border. Emissions containing sulfur dioxide carried by the wind moved towards the United States territory through the Columbia River valley, causing pollution to the land, water, and air, as well as health impacts on the inhabitants of Washington. This became the basis for the United States lawsuit against Canada to hold the state accountable for all damages suffered by the citizens.

The International Court of Justice (1996) recognized the general principle of environmental law, which was the 'obligation of states to ensure that activities within the jurisdiction and control should respect the environment of other nations or areas beyond national control as part of the corpus of international law relating to the environment. Furthermore, the 21st principle of the *Declaration of the United Nations Conference on the Human Environment* 1972 showed that “*following the Charter of the United Nations and the principles of international law, states had the sovereign right to exploit resources according to environmental policies. Additionally, the responsibility to ensure that the activities within the jurisdiction or control did not cause damage to the environment of other states or areas beyond the limits of national jurisdiction*”.

⁸⁰ Elida K. Nogoibaeva, et. al., *Contemporary International Law: Materials and Cases*, (Bishkek, 2012), pp. 516-517

The 21st principle carried a distinct significance in the interpretation and application. First, it acknowledged the sovereignty of states over natural resources. However, the principle placed responsibility on states to ensure that activities within the jurisdiction or control did not cause environmental harm to other nations or areas beyond national jurisdiction.⁸¹ Second, this principle established that the international community should determine the boundaries for the use of 'the global community' as natural resources belonging to humanity as a whole (the oceans, atmosphere, seabed, and outer space). These common heritages should be managed, preserved, and collectively used for general interests. Actions to prevent pollution and protect the natural environment should be balanced with economic and social objectives. Additionally, international agreements should consider the differing circumstances and responsibilities between developed and developing states. Another evolving issue related to the global community was the distribution of justice in management.⁸² Developing states demanded assurance of fair distribution and technology transfer regarding the management and adoption of global resources. The international community should enforce compensation rules for developing states (specifically 'Southern' nations) to uphold the principle of justice. However, different arguments were initiated by developed states asserting that the regulations were not established unless Southern nations also participated in the collective adoption of these natural resources.

Principle 21 further showed the evolution of obligations to the international community and these responsibilities became relevant when facing global environmental issues, such as ozone layer depletion, biodiversity loss, and climate change.⁸³ The nature and essence of environmental issues require protection and efforts for improvement

⁸¹ Owen Greene, *op.cit.*, p. 456

⁸² Chukwimerije Okereke, *Global Justice and Neoliberal Environmental Governance*, (New York: Routledge, 2008), p. 20

⁸³ Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law*, eighth edition, (New York: Routledge, 2019), p. 385

through a legal system capable of treating the environment as a unified whole. This was also composed of various environmental components, either within the territory of a state, subject to the authority of a particular nation, or located outside the jurisdiction of any country.⁸⁴

Negotiations and multilateral agreements successfully reached by member states provided evidence that environmental issues had become an essential part of the international political agenda. This regime continued to evolve and required a collective commitment to ensure environmental protection for the life of the planet Earth. Furthermore, the United Nations motivated every state to address key policy issues, priorities, and the continuity of activities through various meetings and negotiations.⁸⁵ The aim was to stop environmental damage and ensure synergistic economic growth and development for current and future generations.

IV. Conclusion

The agenda of international politics places the role of the state as a primary actor in the dominant tradition, facing limitations in the formulation of international environmental legal instruments. In practice, state sovereignty is often positioned as absolute, while law is generally viewed as a matter of power politics in the service of a country's national interests. Meanwhile, global environmental issues cannot be resolved if state sovereignty is positioned as absolute. An opposite response must be shown by states when facing environmental issues; countries need to be urged to cooperate. A shared commitment to collaboration through international institutions and organizations serves as an international control

⁸⁴ Ida Bagus Wyasa Putra, *Hukum Lingkungan Internasional: Perspektif Bisnis Internasional*, (Bandung: Refika Aditama, 2003), p. 5

⁸⁵ Andeas Pramudianto, *Hukum Lingkungan Internasional*, (Depok: RajaGrafindo Persada, 2017), p. 109-122

mechanism to address environmental problems while also breaking the dichotomy between international politics and law.

The alarming degradation of the global environment required the commitment of both state and non-state actors to address the issues. International environmental law focused on preservation, conservation, and protection in agreements, principles, and regimes regulated through national regulatory instruments and coordinated internationally. Furthermore, discourses on sovereignty, effectiveness, and compliance in international environmental law became an essential part of the global political process.

References

- Ademola Abass, *International Law: Text, Cases, and Materials*, Oxford: Oxford University Press, 2014
- Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law*, eighth edition, New York: Routledge, 2019
- Alexander Wendt, *Social Theory of International Politics*, Cambridge: Cambridge University Press, 1999
- Andeas Pramudianto, *Hukum Lingkungan Internasional*, Depok: RajaGrafindo Persada, 2017
- Anna Yulia Hartati, "Global Environmental Regime: Di Tengah Perdebatan Paham Antroposentris Versus Ekosentris", *Spektrum: Jurnal Ilmu Politik Hubungan Internasional*, Vol. 12, No. 2 (Juli 2012)
- Antonion Cassese, (eds) *Realizing Utopia: The Future of International Law*, Oxford: Oxford University Press, 2012
- Baldwin, "Neoliberalism, Neorealism, and World Politics" in Matthew Paterson, *Understanding Global Environmental Politics: Domination, Accumulation Resistance*, Great Britain: Macmillan Press Ltd, 2000
- Brad Jessup, Kim Rubenstein, *Environmental Discourses in Public and International Law*, Cambridge: Cambridge University Press, 2012
- Budi Winarno, *Dinamika Isu-Isu Global Komtemporer*, Yogyakarta: Center of Academic Publishing Service, 2014

- Christian Reus-Smit, *The Politics of International Law* (eds.), Cambridge: Cambridge University Press, 2004
- Chukwimerije Okereke, *Global Justice and Neoliberal Environmental Governance*, New York: Routledge, 2008
- Clark A. Miller, "Resisting Empire: Globalism, Relocalization, and the Politics of Knowledge, in Sheila Jasanoff, Marybeth Long Martello (eds), *Earthly Politics: Local and Global in Environmental Governance*, Cambridge: The MIT Press
- Dana R. Fisher, "Global and Domestic Actors Within the Global Climate Change Regime: Toward a Theory of the Global Environmental System", *International Journal of Sociology and Social Policy*, Volume 23 Number 10 (2003)
- David G Victor, Owen Greene, et. al, "Working Paper: Review Mechanism in the Effective Implementation of International Environmental Agreements", International Institute for Applied Systems Analysis, (1994) DOI:10.1108/17538251011084464
- Elida K. Nogoibaeva, et. al., *Contemporary International Law: Materials and Cases*, (Bishkek, 2012)
- H., Carr, *The Twenty Years' Crisis, 1919-1939*, London: Macmillan, 1946
- Hans J. Morgenthau, *Politics Among Nations: The Struggle For Power and Peace*, sixth edition, New York: McGraw Hill, 1985
- Hikmahanto Juwana, "Hukum Internaional Sebagai Instrumen Politik: Beberapa Pengalaman Indonesia Sebagai Studi Kasus", *Arena Hukum*, Volume 6, Nomor 2 (Agustus 2012)
- Ida Bagus Wyasa Putra, *Hukum Lingkungan Internasional: Perspektif Bisnis Internasional*, Bandung: Refika Aditama, 2003
- James Crawford, *Brownlie's Principles of Public International Law*, eighth edition, Oxford: Oxford University Press, 2012
- Jampeter Schilling, Almut Schilling-Vacaflor, et.al, "A Political Ecology Perspective on Resource Extraction and Human Security in Kenya, Bolivia, and Peru", *Extractive Industries and Society*, (2020), <https://doi.org/10.1016/j.exis.2020.10.009>
- Jerry McBeath, Jonathan Rosenberg, *Comparative Environmental Politics*, Netherlands: Springer, 2006
- Joel Kovel in Carl Boggs, *Ecology and Revolution*, New York: Palgrave Macmillan, 2012

- John Barry and Graham Smith, "Green Political Economy and the Promise of the Social Economy", in Peter Dauvergne (eds), *Handbook of Global Environmental Politics*, Cheltenham: Edward Elgar Publishing, Inc, 2005
- John Baylis, et. al, *The Globalization of World Politics: An Introduction to International Relations*, (eds), sixth edition, Oxford: Oxford University Press, 2014
- John Vogler, *Climate Change in World Politics*, Hampshire: Palgrave MacMillan, 2016
- John Vogler, Mark F. Imber, *The Environment and International Relations*, New York: Routledge, 1996
- Judith L. Goldstein, Miles Kahler, et.al., *Legalization and World Politics*, Cambridge: The MIT Press, 2001
- Keith Porter, et. al. "*International Environmental Law*", SOAS University of London (2014)
- Ken Conca and Geoffrey D. Dabelko, *Green Planet Blues: Critical Perspectives on Global Environmental Politics*, sixth edition, (New York: Routledge, 2019
- L. Oppenheim, *International Law*, second edition, London: Longmans, Green and Company, 1912
- Leslie Green, "Hart's Message" in H.L.A. Hart, *The Concept of Law*, third edition, Oxford: Oxford University Press, 2012
- Mattew Paterson, *Understanding Global Environmental Politics: Domination, Accumulation, Resistance*, Great Britain: Macmillan Press Ltd., 2000
- Meeta Keswani Mehra, "Interaction Between Trade and Environment Policies with Special-Interest Politics", *Indian Growth and Development Review*, Vol. 3 No. 2, (2010)
- Miro Cerar, "The Relationship Between Law and Politics", *Annual Survey of International and Comparative Law*, Volume 12 Issue 1 (2009)
- Munafrizal Manan, "Foreign Policy and National Interest: Realism and Its Critiques", *Global and Strategies*, Vol. 9, No. 2 (2015), <http://dx.doi.org/10.20473/jgs.9.2.2015.175-189>
- Nurhadi Sirimorok, "Menuju Ekologi Politik: Sketsa Kajian Perubahan Iklim dan Kebencanaan di Indonesia", *Wacana: Jurnal Transformasi Sosial*, Nomor 29 Tahun XV, (2013)

- Nurul Isnaeni, "Bank Dunia, Indonesia dan Politik Lingkungan Global (Mencermati Agenda Pembangunan Berkelanjutan)", *Global: Jurnal Politik Internasional*, Vol. 1 No. 7 (2001)
- Patricia Birnie, et.al., *International Law and The Environment*, Oxford: Oxford University Press, 2009
- Paul G. Harris, "Delineating Global Environmental Politics", in *Routledge Handbook of Global Environmental Politics*, London: Routledge, 2014
- Phillipe Sands, *Principles of International Environmental Law*, Cambridge: Cambridge University Press, 2003
- Rini Astuti, "Ekologi Politik REDD+: Kontestasi Politik, Modal, dan Pengetahuan", *Wacana: Jurnal Transformasi Sosial*, Nomor 30 Tahun XV, (2013)
- Robert A. Dahl, *Modern Political Analysis*, fourth edition, New Jersey: Prentice-Hall, 1984
- Robert O. Keohane, Joseph S. Nye, Jr, *Power and Interdependence*, Longman, 2011
- Samuel M. Hines, Jr., "Ecology and Environmental Issues at Global Level", *Politics and the Life Sciences: The State of the Discipline Research in Biopolitics*, Volume 12, (2014), DOI:10.1108/S2042-994020140000012006
- Scott Burchill, Andrew Linklater, et.al., *Theories of International Relations*, New York: Palgrave Macmillan, 2005
- Sefriani, *Peran Hukum Internasional: Dalam Hubungan Internasional Kontemporer*, Jakarta: PT. Raja Grafindo Persada, 2016
- Sheila Jasanoff, "Heaven and Earth: The Politics of Environmental Images" in Sheila Jasanoff, Marybeth Long Martello (eds), *Earthly Politics: Local and Global in Environmental Governance*, (Cambridge: The MIT Press)
- Simon Dalby, "Environment and International Politics: Linking Humanity and Nature", in Gustavo Sosa-Nunez and Ed Atkins, *Environment, Climate Change and International Relations*, (England: E-International Relations Publishing, 2016)
- Susanne Jacobsen, "International Relations and Global Environmental Change", *Cooperation and Conflict*, Sage Publication, Vol. 34, No. 2 (1999)

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

Universitas Sebelas Maret Grant, Contract Number:
194.2/UN27.22/PT.01.03/2024

ACKNOWLEDGMENT

Authors received the award: Diah Apriani Atika Sari, Funder: Universitas Sebelas Maret Grant Contract number 228/UN27.22/PT.01.03/2023. The funders had no role in study design, data collection and analysis, decision to publish, or preparation of the manuscript.

This manuscript has not been published and is not under consideration for publication elsewhere.

HISTORY OF ARTICLE

Submitted : April 1, 2024
Revised : November 1, 2024
Accepted : November 8, 2024
Published : November 30, 2024